REMARKS

The Examiner is thanked for the performance of a thorough search.

In the specification, several paragraphs are amended to correct typographical errors.

Prior to entry of this amendment, Claims 1-31 were pending in the application. By this amendment, no claims are added or cancelled. Hence, after entry of this amendment, Claims 1-31 are pending in the application.

Claims 1 and 29-31 are amended.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 1-3, 11, 13, 15-17, 19, 20, and 29-31 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Sidhu et al. ("*Sidhu*"; U.S. Patent No.6,744,759); and Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Sidhu* in view of Schuster et al. ("*Schuster*"; U.S. Patent No. 6,674,745).

Claims 4, 5, 8-10, 12, 14, 18, and 21-27 were objected to as being dependent upon a rejected base claim.

THE REJECTIONS BASED ON THE PRIOR ART

Rejection Under 35 U.S.C. §102(e)

Claims 1-3, 11, 13, 15-17, 19, 20, and 29-31 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by *Sidhu*. This rejection is traversed, based on the following remarks.

Claim 1 recites the following:

instructing, via a call signaling command, an un-provisioned residential gateway
that is associated with the subscriber to collect a subscriber numeric
identity that uniquely identifies the subscriber;

> instructing, via a call signaling command, the residential gateway to collect a
> Personal Identification Number (PIN) information that is associated with
> the subscriber.

The specification provides examples of residential gateways to include cable modems, fixed wireless modems, DSL modems, packet cable modems that use the DOCSIS standard, etc. *Sidhu* does not discuss modems, but discusses a network interface 210, which the Office Action generally relies on for anticipation of a residential gateway. However, *Sidhu* does not anticipate Claim 1 because *Sidhu* does not disclose specifically instructing a residential gateway, or a network interface card, to collect certain information for sending to an agent program, such as self-provisioning system call agent 216 of the application. Furthermore, Sidhu does not disclose so instructing the residential gateway via a call signaling command.

By contrast, the passage of *Sidhu* cited in the Office Action discloses that a telephony connection server 150a that provides telephony registration services by providing a user identifier and telephone identifier (col. 7, lines 43-55). This activity more closely resembles what is described in the application under "Preparatory Steps Before Self-Provisioning of Residential Gateway." These preparatory steps are not the subject matter of Claim 1.

More to the point, *Sidhu* discloses registration of the telephone with the telephony connection server in several ways. As discussed at col. 15, lines 11-29, after a user connects a telephone to the network, the telephone sends a registration message that includes a temporary user identifier. It appears that the telephone automatically sends this registration message; there is no teaching to the contrary. Hence, with *Sidhu*, the residential gateway is not instructed to collect the subscriber identifier, as in the embodiment recited in Claim 1, because the specially-configured telephone is hard-wired, or preprogrammed, to send its registration message with the temporary identifier.

In an alternative embodiment of *Sidhu*, using some rudimentary functionality, the user can <u>call customer service</u> to control the provisioning of the system (col. 16, lines 1-6). In another embodiment disclosed in *Sidhu*, the user can provision the telephone via a connection to the <u>service provider's web page</u> (col. 16, lines 6-8). Still further, *Sidhu* discloses that a user is <u>sent a form,</u> or <u>presented an order screen</u> at the telephone, requesting registration information (col. 16, lines 14-19). Clearly, none of the foregoing registration processes of *Sidhu* teach or suggest <u>directly instructing a residential gateway to collect</u> certain self-provisioning related information, for submission to an agent program. Rather, the *Sidhu* methods rely on one of (a) pre-programmed registration messaging; (b) a user call to customer service; or (c) a user's use of a web page, form, or order screen, for provisioning IP telephony service.

The amended language of Claim 1 clarifies the call signaling approach to self-provisioning, by clarifying that the residential gateway is instructed to collect certain information <u>via call signaling commands</u>. Generally, "call signaling" refers to a process known in the art, which is used to set up a connection in a telephone network. In a VoIP network, call signaling is one of three major categories of communications traffic. However, use of call signaling commands in a VoIP telephony service self-provisioning process is not disclosed in the cited references of record.

For example, as discussed in the application, self-provisioning call agent 216 may send an MGCP notification request command to residential gateway 202 to collect the ten-digit form of the E.164 address from the subscriber, at about the same time that announcement server 214 transmits the first VoIP message to residential gateway 202. At block 328, a second VoIP connection is created on residential gateway 202 to announcement server 214, through which an audible prompt for a PIN is sent, such as by announcement server 214. Then, at block 332, self-provisioning call agent 216 sends an MGCP notification request command to residential

gateway 202 to collect a PIN from the subscriber, at about the same time that announcement server 214 transmits the second VoIP message to residential gateway 202. Thus, in this non-limiting example, MGCP notification request (e.g., NotificationRequest) commands are the call signaling commands used to instruct the residential gateway to collect certain information.

In view of the foregoing, i.e., because *Sidhu* does not disclose one of the fundamental features of Claim 1 in instructing a residential gateway to collect specific information for an agent program, a *prima facie* case of anticipation based on *Sidhu* was not established. Therefore, withdrawal of the rejection of Claim 1 is respectfully requested.

Independent Claims 29-31 recite similar features as Claim 1 and, therefore, are patentable over the reference of record for at least the same reasons as discussed herein in reference to Claim 1.

Dependent Claims 2, 3, 11, 13, 15-17, 19, and 20 depend directly or indirectly from Claim 1. Hence, these claims are patentable over the reference of record for at least the same reasons as discussed herein in reference to Claim 1. Furthermore, each of Claims 2, 3, 11, 13, 15-17, 19, and 20 recites at least one additional feature that makes it separately patentable over the references of record. However, due to the fundamental distinctions between the independent claims and the *Sidhu* reference already described, discussion of these additional patentable features recited in the dependent claims is foregone at this time. The rejection of these dependent claims is collectively traversed, and no statements of official notice or allegations of well-known features that may be present in the Office Action are stipulated to or admitted as prior art features, and the right to separately argue such features in the future is not disclaimed.

Rejection Under 35 U.S.C. §103(a)

Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Sidhu* in view of *Schuster*. This rejection is traversed.

Dependent Claims 6 and 7 depend from Claim 1. Hence, these claims are patentable over the reference of record for at least the same reasons as discussed herein in reference to Claim 1. Furthermore, each of Claims 6 and 7 recites at least one additional feature that makes it separately patentable over the references of record. However, due to the fundamental distinctions between the independent claims and the *Sidhu* reference already described, discussion of these additional patentable features recited in the dependent claims is foregone at this time. The rejection of these dependent claims is collectively traversed, and no statements of official notice or allegations of well-known features that may be present in the Office Action are stipulated to or admitted as prior art features, and the right to separately argue such features in the future is not disclaimed. Additionally, the disclosure of *Schuster* does not cure the deficiencies in the teachings of *Sidhu*. Therefore, a *prima facie* case of obviousness was not established based on the cited references of record.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims (1-31) are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: August 23, 2005

John D. Henkhaus
Reg. No. 42,656

2055 Gateway Place, Suite 550
San Jose, CA 95110-1089
(408) 414-1080
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on ___8/23/05___ by ___Trudy Bagdon___

Trudy Bagdon